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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 RENEE BISHOP-MCKEAN,

11 Plaintiff,

12 v.

13 WASHINGTON DEPARTMENT  
14 OF CORRECTIONS, et al.,

15 Defendants.

CASE NO. C20-5416JLR-DWC

ORDER ADOPTING R&R AND  
GRANTING MOTION TO  
AMEND

16 Before the court are Plaintiff Renee Bishop-McKean's objections to Magistrate  
17 Judge David W. Christel's Report and Recommendation (R&R (Dkt. # 36)), in which she  
18 also requests leave to amend her complaint (Obj. & MTA (Dkt. # 38)). Specifically, Ms.  
19 Bishop-McKean wishes to remove Defendants Department of Corrections ("DOC"), the  
20 Washington Corrections Center for Women ("WCCW") and Megan Dunlap. (*Id.* at 1.)  
21 Defendants oppose further amendment, largely because Ms. Bishop-McKean did not  
22 attach a proposed amended pleading to indicate the changes. (Resp. (Dkt. # 41).)

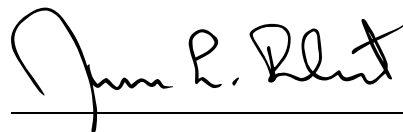
1 First, the court adopts Magistrate Judge Christel’s Report and Recommendations,  
2 which recommends dismissal of DOC and WCCW with prejudice as “state agencies  
3 [that] cannot be sued under § 1983.” (R&R at 3-4 (citing *Will v. Mich. Dep’t of State*  
4 *Police*, 491 U.S. 58, 65, 71 (1989)).) Ms. Bishop-McKean simply states that she “do[es]  
5 hereby object to the R & R” but gives no further reasoning as to why DOC or WCCW is  
6 a “person” for purposes of a § 1983 civil rights action. (*See* Obj. & MTA at 2.) The  
7 court concludes that Ms. Bishop-McKean’s objections lack merit and that Magistrate  
8 Judge Christel thoroughly addressed the arguments in his Report and Recommendation.  
9 (*See generally* R&R.) Furthermore, the court has independently reviewed the issue and  
10 reaches the same conclusion as Magistrate Judge Christel for the same reasons.

11 Second, as to the motion to amend, the court observes that although Ms.  
12 Bishop-McKean did not attached a proposed amended pleading, she makes clear in her  
13 motion that she seeks to remove DOC, WCCW and Ms. Dunlap as defendants. (Obj. &  
14 MTA at 1.) Indeed, Ms. Bishop-McKean states that “unbeknownst to [her],” DOC and  
15 WCCW were added as defendants and “should not have been.” (*Id.*) She further  
16 elaborates that she has made several unsuccessful attempts to locate Ms. Dunlap. (*Id.* at  
17 2.) Based on these representations, the court grants Ms. Bishop-McKean leave to amend  
18 for the limited purpose of removing DOC, WCCW and Ms. Dunlap as defendants. The  
19 court cautions Ms. Bishop-McKean that this limited grant does not allow for any other  
20 changes to the complaint.

21 Accordingly, the court OVERRULES Ms. Bishop-McKean’s objections (Dkt.  
22 # 38) and ADOPTS the Report and Recommendation (Dkt. # 36). Defendants DOC and

1 WCCW are DISMISSED with prejudice. The court further GRANTS Ms.  
2 Bishop-McKean leave to amend for the limited purpose of removing DOC, WCCW and  
3 Ms. Dunlap as defendants. Ms. Bishop-McKean is DIRECTED to file her amended  
4 complaint within 14 days. The court DIRECTS the Clerk to send copies of this order to  
5 Ms. Bishop-McKean, all counsel and Magistrate Judge Christel.

6 Dated this 15th day of March, 2021.

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9 JAMES L. ROBART  
10 United States District Judge  
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